

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA

v.

THOMAS H. SACHY,

Defendant

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CASE NO. 5:18-CR-00048-CDL-CHW

**UNITED STATES' RESPONSE IN OPPOSITION TO DEFENDANT THOMAS H.
SACHY'S MOTION TO CONTINUE TRIAL AND EXTEND PRETRIAL
DEADLINES**

COMES NOW, the United States of America, by and through its attorney, the United States Attorney for the Middle District of Georgia, in accordance with Local Criminal Rule 47.2, and files its response to Defendant Thomas H. Sachy's ("Sachy") Motion to Continue Trial and Extend Pretrial Deadlines. Doc. 352. In support thereof, the United States shows as follows:

On June 13, 2018, an indictment was filed against Sachy charging him with conspiracy to distribute and dispense controlled substances, two counts of unlawful dispensation and distribution of controlled substances resulting in death and serious bodily injury, unlawful dispensation and distribution of controlled substances, maintaining a drug involved premises, and a money laundering conspiracy. Doc. 1. On August 18, 2022, the Court entered an order scheduling this case for trial on January 30, 2023, Doc. 337, and on October 31, 2022, Sachy filed the present motion to continue the trial and extend pretrial deadlines. Doc. 352.

As a whole, this case has been pending resolution since June 13, 2018, and has been delayed many times due to at least four changes in defense counsel, the COVID-19 pandemic, and a number of heavily contested pre-trial issues that have worked their way through litigation. As a matter of professional courtesy, the United States may typically agree to an initial request for a continuance upon entry of new defense counsel in order to allow them time to get up to speed and effectively prepare to proceed at trial. However, in this case, the patients that were harmed by Sachy's knowing and intentional distribution of controlled substances outside of the usual course of professional practice, as well as the family members of those whom he affected, deserve to have this case resolved and decided by a jury as soon as possible. This case has been pending for more than four years. It is with those factors in mind, that the United States opposes the motion for a continuance of the trial.

In their motion, Sachy's defense counsel states that they have not been retained for trial, only post-conviction legal representation. Doc. 352 at 1. Counsel further states that, although the court set the January 30, 2023 trial date in mid-August, they have been focused on post-conviction representation, and not trial preparations. *Id.* at 2. Counsel also argues that if they are unable to have the seized funds returned that are the subject of the motion filed at Doc. 349, they will be forced to withdraw. *Id.* at 1-2. In essence, their argument boils down to a failure to secure funds for trial preparation.

Local Criminal Rule 57.D.1. provides that "In every criminal case retained defense attorneys shall make fee and other necessary financial arrangements satisfactory to themselves and sufficient to provide for representation of the client until the conclusion

of the client's case. For purposes of this rule, a client's case is not concluded until his direct appeal, if any, is finally decided." Moreover, "Defense attorneys in criminal cases may not, except in extraordinary circumstances, withdraw from the representation of a client because of the client's failure to pay a fee or otherwise comply with the financial agreement with the attorney, after fourteen (14) business days from arraignment." Local Crim. R. 57.D.2.

Although Sachy's current counsel did not enter an appearance in to this case until well-after the arraignment, the standard 14-day window that this Court has historically allowed for finalizing fee arrangements after an entry is made by substitute counsel has passed. Counsel's decision to take on Sachy's representation without contemplating the cost of a trial in its fee arrangement is not an extraordinary circumstance warranting withdrawal. Nor should it be fodder for a continuance. The post-conviction work ended on August 18, 2022, and instead of withdrawing their representation or seeking the return of seized funds then, counsel waited until October 2022 to raise this issue. This was an unnecessary and avoidable delay that does not warrant continuing the trial.

Additionally, defense counsel argues that they have two potential conflicts with cases in the Western and Middle Districts of Tennessee. Doc. 352 at 2-3. Specifically, counsel states that "[t]hese case were set prior to the Court's setting Dr. Sachy's trial." *Id.* at 3-4. In other words, defense counsel knew of these conflicts when the trial date was set on August 18, 2022, yet, instead of notifying the Court of these conflicts, Sachy's counsel has waited until October 31, 2022 to mention these issues. Once again, this was an unnecessary and avoidable delay that does not warrant continuing the trial.

The United States fully respects and appreciates Sachy's right to have defense counsel effectively prepared for trial as contemplated under the United States Constitution and the Speedy Trial Act. However, due to the age of this case and its obligation to quickly seek justice on behalf of the victims, the United States cannot agree to a continuance and opposes this motion. For all of the reasons stated above, the United States respectfully requests that the Court deny Sachy's motion to continue.

Respectfully submitted, this 2nd day of November, 2022.

PETER D. LEARY
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CERTIFICATE OF SERVICE

I, C. Shanelle Booker, Assistant United States Attorney, hereby certify that on November 2, 2022, I filed the within and foregoing ***UNITED STATES' RESPONSE IN OPPOSITION TO DEFENDANT THOMAS H. SACHY'S MOTION TO CONTINUE TRIAL AND EXTEND PRETRIAL DEADLINES*** with the Clerk of the Court using the CM/ECF system which will send notification to the Court and all counsel of record.

This 2nd day of November, 2022.

PETER D. LEARY
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